APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,477	09/15/2003	Peter Dam Nielsen	857.0017.U1(US)	2898

29683   7590   11/25/2008
HARRINGTON & SMITH, PC
4 RESEARCH DRIVE, Suite 202
SHELTON, CT 06484-6212

EXAMINER
RADTKE, MARK A

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
11/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/663,477	NIELSEN ET AL.
		Examiner	Art Unit
		MARK A. X RADTKE	2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11 August 2008*.

2a) ☒ This action is FINAL.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *8-11,13,14,20 and 29-37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *8-11,13,14,20 and 29-37* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Remarks

1.   In response to communications filed on 11 August 2008, claim(s) 1-7, 12, 18, 23

and 26-28 is/are cancelled, claim(s) 8-11, 13-14 and 20 is/are amended, and new

claim(s) 29-37 is/are added per Applicant's request. Therefore, claims 8-11, 13-14, 20

and 29-37 are presently pending in the application, of which, claim(s) 20, 29, 31 and 35

is/are presented in independent form.

2.   Applicant's amendments have necessitated new grounds of rejection in view of

the Nokia 7650 User's Guide, previously cited by Applicant. Applicant only filed pages 1

and 50-54 of the document with the IDS. Additional parts of the document (pages 19

and 42-49) are relied on for the grounds of rejection so have been cited by Examiner

and should be enclosed herewith.

Claim Objections

3.   Claims 8-11 and 13 are objected to because of the following informality: the

claims depend from claim 30. Claim 30 is a method claim, but claims 8-11 and 13 recite

"The apparatus as in claim 30". It is assumed that this is a typographical error and that

the claims were meant to depend from claim 31, which is an apparatus. Appropriate

correction is required.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 8-11, 13-14, 20 and 29-37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Nokia ("Nokia 7650 User's Guide", Issue 4EN. Applicant's IDS filed 9

February 2004 states that this guide was released 7 June 1998).

As to claim 20, Nokia teaches a computer readable medium encoded with a

computer program comprising:

program instructions for controlling an electronic device, the electronic device

having a digital camera and a user input device (see page 50, "Camera", "Joystick"),

which program instructions when loaded into a processor, provide:

a database software application (see page 42, "Contacts");

a camera control software application that is separate from the database

software application (see page 50, "Taking pictures", step 1, "Camera application"); and

an image viewing software application that is separate from the camera control

software application and the database software application (see page 53, "Images

allows you to view [...] photos and pictures stored in your phone" and see page 50,

"Images application"),

wherein the database software application provides a user interface that enables

a user to access personal data organized as a plurality of contacts entries in a

database, where each contacts entry is associated with a different person (see page 42,

"Contacts") and has one or more alphanumeric text fields (see page 42, "Creating

contact cards", step 2, "Fill in the fields") and an image field (see page 42, "Contacts",

"You can also add [...] a thumbnail image to a contact card.") and wherein the camera

control software application provides a user interface that enables the user to control

the electronic device using the user input device to capture an image via the digital

camera (see page 50, "Camera") and automatically presents a user selectable option,

on capturing an image, for entering the database software application and using the

captured image as an image field of a contacts entry of the database (see page 51,

"Portrait [...] can be added to a contact card" and see pages 43-44, "Inserting a picture

to a contact card"), and a user selectable option to access the captured image through

the image viewing software application (see page 44, "Options when viewing a contact

card").

Nokia does not explicitly teach "immediately" presenting an option to use the

captured image as an image field of a contacts entry of the database.

However, it would have been obvious to one of ordinary skill in the relevant art at

the time the invention was made to have further modified Nokia to immediately present

such an option upon capturing an image because it would merely provide an automatic

means to replace a manual activity which accomplished the same result (see MPEP

2144.04.III and *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958)).

Furthermore, providing shortcuts for commonly-used features is a well-known technique

in user interface design (for evidence, see section 6 of "A Summary of Principles for

User-Interface Design").

     As to claim 29, <u>Nokia</u> teaches a method comprising:

     For the remaining limitations of this claim, Applicant is directed to Examiner's

comments regarding claim 20 above.

     As to claims 30 and 34, <u>Nokia</u> does not explicitly teach wherein the database is

modified from within the camera control software application.

     However, it would have been obvious to one of ordinary skill in the relevant art at

the time the invention was made to have modified <u>Nokia</u> to modify the data from within

the camera control software application because it would allow the camera software to

provide a shortcut to a commonly-used feature. Providing shortcuts for commonly-used

features is a well-known technique in user interface design (for evidence, see section 6

of "A Summary of Principles for User-Interface Design").

As to claim 31, <u>Nokia</u> teaches an apparatus comprising:

an input including soft keys (See e.g. page 42, "Contacts", Fig. 1. The "Options" and "Exit" options correspond to soft keys. Note that, for example, in Fig. 2 on page 44 the "Exit" option is replaced with a "Back" option.)

For the remaining limitations of this claim, Applicant is directed to Examiner's comments regarding claim 20 above.

As to claim 8, <u>Nokia</u> teaches wherein the database software application functions as at least a telephone book (see page 42, "Contacts").

As to claim 9, <u>Nokia</u> teaches wherein each contacts entry has at least one alphanumeric text field for storing a telephone number (see page 42, "Contacts", "you can store and manage contact information such as names, phone numbers and addresses").

As to claim 10, <u>Nokia</u> teaches operating as a telephone, further wherein the processor is responsive to an incoming call to display an image from the image field of a contacts database entry that has an alphanumeric text field corresponding to the telephone number originating the incoming call (see page 19, Fig. 3).

As to claim 11, <u>Nokia</u> teaches wherein the contacts entry can be selected by a user scrolling the image fields of the database (see page 44, Fig. 2 and see page 47, Fig. 3).

As to claim 13, <u>Nokia</u> teaches further comprising a temporary memory for temporarily storing a captured image (see page 51, lines 1-2. The default location is a temporary location because the user is immediately presented with an option to Delete it).

As to claim 14, <u>Nokia</u> teaches the camera control software application is arranged to transfer the captured image from temporary storage in the temporary memory to permanent storage accessible by the viewing application (See page 51. After the image is taken, the user has the option to delete it. If the user chooses not to delete it, the image is stored permanently).

As to claims 32 and 36, <u>Nokia</u> teaches wherein, upon the user selecting the option to add the captured image to the database memory, the camera control software application is configured to present a plurality of sub-options including a sub-option to create a new contacts entry in the database (see page 42, "Creating contact cards") and a sub-option to modify an existing contacts entry in the database (see page 43, "Editing contact cards").

As to claims 33 and 37, <u>Nokia</u> teaches wherein upon the selection of one of the sub-option to create a new contacts entry and the sub-option to modify an existing contacts entry, adding the captured image to an image field of the selected one of the new contacts entry and the existing contacts entry (see Examiner's comments above and pages 42-44).

As to claim 35, <u>Nokia</u> teaches a user interface, comprising:

For the remaining limitations of this claim, Applicant is directed to Examiner's comments regarding claim 31 above.

Response to Arguments

6.   Applicant's arguments filed on 11 August 2008 with respect to the rejected claims in view of the cited references have been fully considered but are moot in view of the new grounds for rejection.

Additional References

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to camera phone contact management in general:

Doc. No.	Assigned to
US 7120461 B2	Cho; Yoon Ho
US 6681120 B1	Kim; Ki Il
US 6657660 B2	Shiota; Kazuo et al.
US 6434403 B1	Ausems; Michiel R. et al.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9.   Any inquiry concerning this communication or earlier communications should be directed to the examiner, Mark A. Radtke. The examiner's telephone number is (571)

272-7163, and the examiner can normally be reached between 9 AM and 5 PM,

Monday through Friday.

　　　　If attempts to contact the examiner are unsuccessful, the examiner's supervisor,

Christian Chace, can be reached at (571) 272-4190.

　　　　Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to Customer Service at (800) 786-9199.

maxr

26 November 2008

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit 2167